IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE B. SUDERSHAN REDDY

And

THE HON'BLE SRI JUSTICE K.C. BHANU

WRIT PETITION No.9084 of 1994

Between:

M. MADHU KUMAR S/o. M. Ankamma Rao,

Aged 34 years, Occ: Employee in Bank of

Rajasthan Ltd., 32, Gandhi Grain Market,

Bagadgunj, Nagpur.

..... PETITIONER

And

1. State of A.P., Rep. by the Home Secretary

to the Government of A.P., Secretariat,

Hyderabad.

2. The VI Metropolitan Magistrate,

City Criminal Courts, Red Hills,

Hyderabad.

3. Pujitha D/o. A. Sirisha,

aged 6 years, Minor, residing with

her mother Mrs. A. Sirisha W/o. Madhukumar,

R/o.H.No.12-11-152/1, Namalgundu,

Seethaphalmandi, Secunderabad.

4. A. Sirisha W/o. M. Madhu Kumar,

aged 30 years, Employee in State Bank of India,

St. Marry's Branch, Red Cross Building, Secunderabad,

R/o.H.No.12-11-152/1, Namalgundu, Seethaphalmandi,

Secunderabad.

5. Dr. Lalji Singh

Centre for Cellular & Molecular Biology,

Uppal, Hyderabad.

.....RESPONDENTs

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the Hon'ble Court may be pleased to direct by an appropriate writ, order or direction more preferably in the nature of a writ of mandamus to declare Sec.112 of Indian Evidence Act as constitutionally invalid and violative of fundamental rights guaranteed to the petitioner under Constitution of India in Articles 14 and 19 to 21 and subsequently direct the Respondent Nos.3 and 4 to submit themselves for DNA Profile Test along with the petitioner before Respondent No.5.

Counsel for the Petitioner: Sri Shankar Rao Bilolikar.

Counsel for the Respondent No.1: The Advocate General

Counsel for Respondents No.2 to 5: None appeared.

The Court made the following :

ORDER:(Per Hon'ble Sri Justice B. Sudershan Reddy)

It is stated by the learned counsel for the petitioner that the O.P. filed by the

respondent/wife had already been decreed dissolving the marriage. In such view of the matter, learned counsel for the petitioner states that no cause survives in this petition requiring any further adjudication in the matter.

Accordingly, the Writ Petition is dismissed. No order as to costs.

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B. SUDERSHAN REDDY, J

Date:29-09-2004

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K.C. BHANU, J

PV

Assistant Registrar.

To

1. The Home Secretary to the Government of A.P.,

The State of A.P., Secretariat,

Hyderabad.

2. VI Metropolitan Magistrate,

City Criminal Courts, Red Hills,

Hyderabad.

3. Dr. Lalji Singh

Centre for Cellular & Molecular Biology,

Uppal, Hyderabad.

4. Two C.Cs. to the Advocate General, High Court of A.P.,

Hyderabad(OUT)

5. Two C.Ds.